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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 10/509,861  | 10/01/2004  | Dirk Mangler         | HM-598PCT                 | 4307             |
| 40570   | 7590        | 08/20/2008           |                           |                  |
| FRIEDRICH KUEFFNER<br>317 MADISON AVENUE, SUITE 910<br>NEW YORK, NY 10017 |             |                      | EXAMINER<br>KERN, KEVIN P |                  |
|   |             |                      | ART UNIT                  | PAPER NUMBER     |
|   |             |                      | 1793                      |                  |
|   |             |                      | MAIL DATE                 | DELIVERY MODE    |
|   |             |                      | 08/20/2008                | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte: DIRK MANGLER,  
MARKUS REIFFERSCHIED and UWE PLIOCIENNIK

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Application No. 10/509,861  
Technology Center 1793

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Mailed: August 20, 2008

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Before DALE M. SHAW *Chief Appeals Administrator*.  
SHAW, *Chief Appeals Administrator*.

This application was received electronically at the Board of Patent Appeals and Interferences on April 26, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

SUPPLEMENTAL EXAMINER'S ANSWER

APPROVAL BY TECHNOLOGY CENTER DIRECTOR

The Supplemental Examiner's Answer mailed September 5, 2007, in response

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to the Panel Remand mailed August 10, 2007, is deficient, because it was not signed by the Technology Center Group Director or his designee. Section 1207.05 Of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 3, August 2005) states that “[e]very supplemental examiner’s answer must be approved by a Technology Center (TC) Director or designee.” Correction is required.

### CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to vacate the Supplemental Examiner’s Answer dated September 5, 2007, remail with the appropriate required signature (Technology Center Director or designee); and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/dpv

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Application No. 10/509,861

New York, New York 10017